

Appl. No. 10/712,471
Amdt. Dated January 31, 2006
Reply to Office Action of November 18, 2005

REMARKS

This is a full and timely response to the non-final Office action mailed November 18, 2005. Reexamination and reconsideration in view of the foregoing amendments and following remarks is respectfully solicited.

Claims 1, 14, 17, and 30 are now pending in this application, with Claims 1 and 17 being the independent claims. Claims 1, 14, 17, and 30 have been amended, and Claims 2-13, 15, 16, 18-29, 31, and 32 have been canceled herein. No new matter is believed to have been added.

Rejections Under 35 U.S.C. §§ 102 and 103

Claims 1-4, 6-8, and 13 were rejected under 35 U.S.C. § 102 as allegedly being anticipated by U.S. Patent No. 5,651,414 (Suzuki), Japanese Publication No. JP/09-134,654 (Hasegawa et al.), and Japanese Publication No. JP/62-46273 (Ono), Claims 17-20, 22-24, and 29 were rejected under 35 U.S.C. § 102 as allegedly being anticipated by U.S. Patent No. 6,608,752 (Morris), and Claims 14 and 30 were rejected under 35 U.S.C. § 103 as allegedly being unpatentable over either Suzuki or Morris. These rejections are respectfully traversed.

Initially, Applicants submit that the claim amendments proffered herein read on the elected specie, which was identified in the Election/Restriction Requirement as being directed to the embodiments disclosed in FIGS. 6-9. With this introductory background, Applicants further submit that none of the cited references, either alone or in combination, disclose or even remotely suggest the combination of features recited in at least independent Claims 1 and 17. In particular, Suzuki discloses a plurality of shape memory alloy fins (9) that are deflected toward adjacent, non-shape-memory alloy fins (2a), when the shape memory alloy fins (9) are below a predetermined temperature, thereby reducing heat transfer. Conversely, when the shape memory alloy fins (9) are at or above a predetermined temperature, these fins (9) are spaced further apart from the adjacent fins (2a), thereby increasing heat transfer. This configuration is clearly directly opposite to that which is claimed in independent Claims 1 and 17. Moreover, Suzuki fails to disclose at least the tendon that is now recited in the independent claims.

Hasegawa et al. discloses a heat pipe (3) coupled to a movable contact piece (1a) made of a shape memory alloy. One end of the heat pipe (3) is disposed in a heat-source fluid (W) in a reservoir (4), and the other end is coupled to the moveable contact piece (1a). When the

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temperature of the heat-source fluid (W) causes the moveable contact piece (1a) to attain a predetermined temperature, it engages another contact (1b) and closes a DC electrical circuit. Hence, it is clear that Hasegawa et al. fails to disclose, or even remotely suggest, that both contact pieces (1a, 1b) are adapted to couple to a heat sink, or are each coupled to a chassis, as is recited in independent Claims 1 and 17, and further fails to disclose the tendon that is now recited in each of the independent claims.

Ono discloses a heat-conducting mount (2) and an equipment-carrying mount (4) disposed on the heat-conducting mount via a support (3). A heat pipe (21) is coupled between the mount (2) and a thermal switch (22) made of a shape memory alloy. Ono discloses that thermal switch (22) couples the mount (4) to the heat pipe (21) when the temperature of the mount (4) decreases below a given value, and disconnects the mount from the heat pipe (21) when the temperature increases above a given value. Hence, it is also clear that Ono fails to disclose, or even remotely suggest, first and second contacts and a tendon, as is now recited in independent Claims 1 and 17.

As regards Morris, the device disclosed therein is configured similar to that of Suzuki, and as such also fails to disclose, or even remotely suggest, first and second contacts and a tendon, as is now recited in independent Claims 1 and 17.

In view of the foregoing, reconsideration and withdrawal of the §§ 102 and 103 rejections is respectfully solicited.

Conclusion

Based on the above, independent Claims 1 and 17 are patentable over the citations of record. The dependent claims are also submitted to be patentable for the reasons given above with respect to the independent claims and because each recite features which are patentable in its own right. Individual consideration of the dependent claims is respectfully solicited.

The other art of record is also not understood to disclose or suggest the inventive concept of the present invention as defined by the claims.

Hence, Applicant submits that the present application is in condition for allowance. Favorable reconsideration and withdrawal of the objections and rejections set forth in the above-noted Office Action, and an early Notice of Allowance are requested.

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If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

If for some reason Applicant has not paid a sufficient fee for this response, please consider this as authorization to charge Ingrassia, Fisher & Lorenz, Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

INGRASSIA FISHER & LORENZ

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